

01-09-04

CPA

**TRANSMITTAL LETTER**  
(General - Patent Pending)

**RECEIVED**

Docket No.  
P0074US1

In Re Application Of: Walker, et al.

JAN 16 2004

**TECH CENTER 1600/2900**

Serial No.  
09/387,219

Filing Date  
August 31, 1999

Examiner  
Kishore, Gollamud S.

Group Art Unit  
1615

Title: **DRUG DELIVERY SYSTEM AND METHOD**


TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**1. Status Inquiry and Response to Notice to File Missing Parts of Application**

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
  - ☐ Charge the amount of \_\_\_\_\_
  - ☐ Credit any overpayment.
  - ☐ Charge any additional fee required.

  
Signature *by CMM*

Dated: January 7, 2004

James C. Weseman, Esq. (Reg. No. 30,507)  
The Law Offices of James C. Weseman  
401 West A Street, Suite 1600  
San Diego, California 92101  
Tel: (619) 531-0950  
Fax: (619) 531-0999  
Email: LawIP@Pacbell.net

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class<sup>st</sup> mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

\_\_\_\_\_  
Signature of Person Mailing Correspondence

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Correspondence

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Walker, et al.

Docket No.

P0074US1

Serial No.

09/387,219

Filing Date

August 31, 1999

Examiner

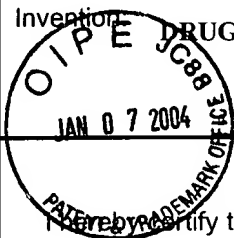
Kishore, Gollamud S.

Group Art Unit

1615

Invention

DRUG DELIVERY SYSTEM AND METHOD

**RECEIVED**JAN 16 2004  
JAN 16 2004

TECH CENTER 1600/2900

I hereby certify that the following correspondence:

STATUS INQUIRY AND RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 7, 2004

(Date)

Lillian M. Montano

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EV350733611 US

("Express Mail" Mailing Label Number)

**Note: Each paper must have its own certificate of mailing.**



RECEIVED

JAN 16 2004

PATENT

TECH CENTER 1600/2900

Docket No. P0074US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Group Art Unit: 1615
	)	Examiner: Kishore, Gollamud S.
Jeffrey P. Walker and	)	
Robert M. Bernard	)	<b>STATUS INQUIRY AND</b>
	)	<b>RESPONSE TO NOTICE TO FILE</b>
Serial No. 09/387,219	)	<b>MISSING PARTS OF</b>
	)	<b>APPLICATION (CPA)</b>
Filed: August 31, 1999	)	
	)	401 West A St., Ste. 1600
For: DRUG DELIVERY SYSTEM AND	)	San Diego, CA 92101
METHOD	)	Tel: (619) 531-0950
	)	Fax: (619) 531-0999

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madame:

In response to the Notice to File Missing Parts of Application (CPA) mailed from the U.S. Patent & Trademark Office on October 2, 2002, applicant responds as follows:

1. On July 31, 2001, applicants' attorney filed a Continued Prosecution Application (CPA) Request Transmittal in this matter. (Copy Attached Hereto)
2. On October 31, 2001, the PTO mailed to applicant a Notice to File Missing Parts of Application (CPA) requesting payment of the statutory basic filing fee and three-month extension of time. (Copy Attached Hereto)
3. Following the receipt of the above notice, applicant filed an appropriate response on January 31, 2002 enclosing a check in the amount of \$950 to cover the basic filing fee, the requested three month extension of time for filing the CPA and the one month extension of time for responding to the October 31, 2001 Missing Parts Notice. (Copy Attached Hereto)

PATENT

4. Applicant hereby states that it did not hear from the Patent Office in this matter until October 2, 2002, almost nine months following the filing of its response to the October 31, 2001 missing parts notice.

5. Applicant then receives a second Notice to File Missing Parts of Application (CPA) with a mailing date of October 2, 2002 issued by the same person, Coralia Betancourt, from Examining Group 1615. (Copy Attached Hereto) This second Notice states that the filing fees are still outstanding and also indicates that an additional one-month extension is needed and a note that fees were received on February 14, 2002, but refunded to application and therefore the fees must be resubmitted. The Notice does not state what particular fee was refunded to applicant.

6. Applicant hereby states under penalty of perjury that no fees were refunded to this firm from the Patent Office in relation to this matter. Applicant also states that its original check for \$950 was processed and cashed by the Patent Office. As of October 2, 2002, applicant did not owe any fees on this application to the Patent Office.

7. Applicant has made numerous telephone calls to the Patent Office, in particular, Ms. Coralia Betancourt at Group 1615 to resolve this matter with no results. This file has now been transferred to the examiner assigned to this matter who has made several phone calls to applicant to inquire as to the status of this application. The Examiner has directed us once again to the processing division to clear up any outstanding issues as to payment of fees.

8. Applicant believes the October 2, 2002 Missing Parts Notice was issued in error and no response was necessary as a formal response was filed on January 31, 2002 to the October 31, 2001 Missing Parts Notice.

Lastly, applicant requests an immediate status inquiry of this application as the Examiner will shortly be abandoning this file for failure to reply to the October 2, 2002 missing parts notice issued in error.

PATENT

Any inquiries regarding this filing can be directed to the undersigned at  
(619) 531-0950.

Respectfully submitted,

JAMES C. WESEMAN, APC.

Dated: January 7, 2004

By: James C. Weseman  
James C. Weseman *by [signature]*  
Reg. No. 30,507

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)

Docket No.  
P0074US1

In Re Application Of: Walker, et al.

Serial No.  
09/387,219

Filing Date  
08/31/99

Examiner  
G. Kishore

Group Art Unit  
3570

Invention:

DRUG DELIVERY SYSTEM AND METHOD

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
October 31, 2001  
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ \_\_\_\_\_ verified small entity declaration(s)
  - ☐ is/are attached.
  - ☐ was/were filed on \_\_\_\_\_
- ☐ A separate request for refund.
- ☐ Other (list):

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
P0074US1

In Re Application Of: Walker, et al.

Serial No.  
09/387,219

Filing Date  
08/31/99

Examiner  
G. Kishore

Group Art Unit  
3570

Invention:

**DRUG DELIVERY SYSTEM AND METHOD**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

☒ Completion of application fees as calculated below:

☒ Utility application filing fee \$370.00

☐ Design application filing fee \_\_\_\_\_

☐ Total number of independent claims = \_\_\_\_\_ \_\_\_\_\_

☐ Total number of claims = \_\_\_\_\_ \_\_\_\_\_

☐ Multiple dependent claims \_\_\_\_\_

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$65.00

☐ Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_

☐ Fee for processing an application filed with a non-English language specification \_\_\_\_\_

☐ Fee for processing and retention of application \_\_\_\_\_

Total completion of application fees \$435.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month    ☐ Two months    ☒ Three months    ☐ Four months    ☐ Five months

from: \_\_\_\_\_ until: \_\_\_\_\_  
Date Date

Total time extension fees \$460.00

Total fees due \$895.00

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)

Docket No.  
P0074US1

In Re Application Of: Walker, et al.

Serial No.  
09/387,219

Filing Date  
08/31/99

Examiner  
G. Kishore

Group Art Unit  
3570

Invention:

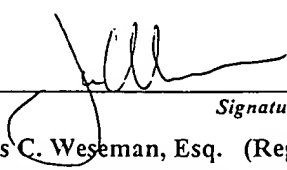
DRUG DELIVERY SYSTEM AND METHOD

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

The fee of \$895.00 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.  
A duplicate copy of this sheet is enclosed.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.  
A duplicate copy of this sheet is enclosed.

  
Signature

James C. Weseman, Esq. (Reg. No. 30,507)  
The Law Offices of James C. Weseman  
401 West A Street, Suite 1600  
San Diego, California 92101  
Tel: (619) 531-0950  
Fax: (619) 531-0999

Dated: 31 January 2002

I certify that this document and fee is being deposited  
on 1-31-02 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

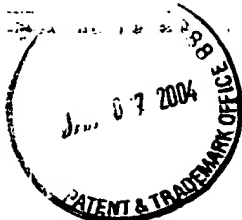
  
Signature of Person Mailing Correspondence

Lillian M. Montano

Typed or Printed Name of Person Mailing Correspondence

cc:





**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/387,219	08/31/99	WALKER	P0074US1

JAMES C WESEMAN  
401 WEST A STREET SUITE 1600  
SAN DIEGO CA 92101

HM42/1031

EXAMINER	
KISHORE, G	
ART UNIT	PAPER NUMBER

1615

DATE MAILED: 10/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**RECEIVED**

JAN 16 2004

TECH CENTER 1600/2900



APPLICATION NUMBER FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



RECEIVED

JAN 16 2004

TECH CENTER 1600/2900

DATE MAILED:

**NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)**  
**Filing Date Granted**

The Continued Prosecution Application (CPA) request filed on 7-31-01 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

- ☒ 1. The statutory basic filing fee is:  
☒ missing.  
☐ insufficient.

(a) Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ 355.00 to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

370.00  
65.00

- ☐ 2. Additional claim fees of  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ independent claims over 3.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ claims over 20.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.

- ☒ 5. Other: Three month extension of time is needed. 460.00

(895.00)

A copy of this Notice **MUST** be returned with the reply.

Direct the reply and any questions about this Notice to:

Coralis Williams

Examining Group 1615

(703) 30 8 - 3570



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

12-2-02

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,219	08/31/1999	JEFFREY P. WALKER	P0074US1	2344

7590 10/02/2002  
JAMES C WESEMAN  
401 WEST A STREET SUITE 1600  
SAN DIEGO, CA 92101



EXAMINER	
KISHORE, GOLLAMUDI S	
ART UNIT	PAPER NUMBER

1615  
DATE MAILED: 10/02/2002

12

TECH CENTER 1600/2900

JAN 16 2004

Please find below and/or attached an Office communication concerning this application or proceeding.



APPLICATION NUMBER FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



RECEIVED  
JAN 16 2004  
TECH CENTER 1600/2900

DATE MAILED:

### NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)

#### Filing Date Granted

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The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

- ☒ 1. The statutory basic filing fee is:  
☒ missing.  
☐ insufficient.

(a) Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ 370.00 to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

- ☐ 2. Additional claim fees of  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ independent claims over 3.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ claims over 20.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.

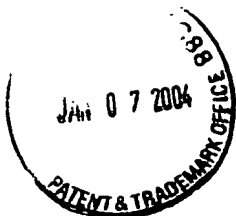
- ☒ 5. Other: One month extension of time.  
These fees were received on 2-14-02, but refunded  
back. Resubmit fees.  
**A copy of this Notice MUST be returned with the reply.**

Direct the reply and any questions about this Notice to:

Coralia Belancourt

Examining Group 1615

(703) 308-3570



RECEIVED

JAN 16 2004

TECH CENTER 1600/2900

7552

JAMES C. WESEMAN  
A PROFESSIONAL LAW CORPORATIONPH. 619-531-0950  
401 W. A STREET, SUITE 1600  
SAN DIEGO, CA 92101

90-3210/1222

DATE 31 January 2002PAY  
TO THE  
ORDER OFCommission of Patents & Trademarks\$ 950 =Nine Hundred FIFTY ONLY

DOLLARS

MP



CALIFORNIA BANK &amp; TRUST

SAN DIEGO OFFICE  
325 S ST., SAN DIEGO, CALIFORNIA 92101

FOR

ICATOR

⑈007552⑈ ⑆122232109⑆ 0701898301⑈

~~App.~~ Appl. No. 09/387,219Docket No. P0074431Applicant: Walker, et al.Date Mailed: 1-31-02Date Due: 1-31-02

The following has been received in the U.S. Receiving Office, PCT Division on the date stamped hereon.

☐ Application (type) \_\_\_\_\_☐ Drawings  
\_\_\_\_\_ Sheets☐ Request Form☐ Demand Form☐ Fee Calculation Sheet☐ Power of Attorney☐ Notice of Confirmation of  
Precautionary Designations☐ Notice Effecting Later Elections☐ Indications Relating to a Deposited  
Microorganism☒ Transmittal Letter☒ Check (Amount \$ 950)☒ Response to Missing Parts  
Invitation to  
Correct Defects☒ Request for Extension of Time☒ Certificate of Mailing  
☒ First Class  
☐ Express Mail☐ Petition for \_\_\_\_\_☐ Other \_\_\_\_\_

895  
135  
950

RECEIVED

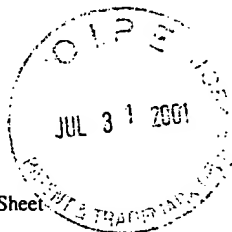
JAN 16 2004

TECH CENTER 1600/2900

~~Int~~ Appl. No. 09/387,219 Docket No. P00741131  
Applicant: Walker et al.  
Date Mailed: 7-30-01 Date Due: 7-30-01

The following has been received in the U.S. Receiving Office, PCT Division on the date stamped hereon.

<input checked="" type="checkbox"/> Application (type) <u>CRA</u>	<input checked="" type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Drawings <input type="checkbox"/> Sheets	<input type="checkbox"/> Check (Amount \$ <u>      </u> )
<input type="checkbox"/> Request Form	<input type="checkbox"/> Response to Invitation to Correct Defects
<input type="checkbox"/> Demand Form	<input type="checkbox"/> Request for Extension of Time
<input type="checkbox"/> Fee Calculation Sheet	<input checked="" type="checkbox"/> Certificate of Mailing
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> First Class
<input type="checkbox"/> Notice of Confirmation of Precautionary Designations	<input checked="" type="checkbox"/> Express Mail
<input type="checkbox"/> Notice Effecting Later Elections	<input type="checkbox"/> Petition for <u>                    </u>
<input type="checkbox"/> Indications Relating to a Deposited Microorganism	<input type="checkbox"/> Other <u>                    </u>



EL70461961505